

REFERENCE: APPROVED MINUTES – September 1, 2005 Public Charter School Commission Meeting

**PUBLIC CHARTER SCHOOL COMMISSION MEETING
THURSDAY, SEPTEMBER 1, 2005
ARROWROCK SOUTH ROOM
AMERITEL INN – BOISE SPECTRUM
7499 WEST OVERLAND ROAD
BOISE, IDAHO**

A regular meeting of the Idaho Public Charter School Commission was held on Thursday, September 1, 2005 at the ArrowRock South Room in the AmeriTel Inn at 7499 West Overland Road, Boise, Idaho. Chairman Hammond presided. The following members were present:

Kirk Miller
Marianne Donnelly

Ann Souza
Paul Powell

Esther Van Wart
Bill Goesling

No Commissioners were absent.

Chairman Hammond called the meeting to order at 8:00 a.m.

1. Commission Work

a) Agenda Approval

Chairman Hammond asked the Commissioners if there were any additions or revisions to the agenda. The order of agenda items 1 and 2 was reversed. An eighth agenda item was added for discussion regarding the make-up of charter school boards.

M/S (Van Wart/Miller): To adopt the agenda as amended. *The motion passed unanimously.*

b) Calendar

The Commission considered action to approve June 8, 2006 as the date and Boise as the location for a future meeting.

M/S (Van Wart/Miller): To approve Thursday, June 8, 2006 as the date and Boise as the location for a future meeting. *The motion passed unanimously.*

c) Minutes approval

The Commission considered minutes submitted from the June 9, 2005 meeting.

M/S (Powell/Miller): To approve the minutes from June 9, 2005 as submitted. *The motion passed unanimously.*

2. State Department of Education Adequate Yearly Progress Report

Allison Westfall of the State Department of Education overviewed methods of monitoring student progress and results showing school progress. She said that 340 of Idaho's 600+ schools successfully reached all 41 goals. 261 schools, including two of the four commission charters, did not make adequate yearly progress, placing them on alert.

Chairman Hammond recommended that in the future, when possible, staff include recent AYP reports with charter petitions. He also recommended that commission charters report at upcoming meetings regarding their success and/or efforts toward improvement as a result of AYP reports.

3. SBOE Report on Commission Authorized Schools' Spring ISAT Results

Carissa Miller demonstrated the function of assessment tools and how to read the detailed results available online. She reminded the Commissioners that many sub-groups (i.e. ethnicity, students with disabilities, etc.) may consist of fewer than ten students and will not, therefore, show recorded data.

4. Liberty Charter School

Gail O'Donahue, Vice-Chair of the Liberty Charter School Board, described students' extra-curricular activities and sports. She also reviewed recent changes to the charter, including government structure, health and safety of students, and admission preferences.

Kent Nelson, Counsel to the Commission, recommended that Liberty Charter School ensure their charter dovetails with statutes stating that a charter school board, as opposed to the principal, may elect whether or not to uphold a previous decision of the school district to expel a student, except in zero-tolerance on weapons cases.

Chairman Hammond reminded the charter schools that the Commission's Counsel is intended to give counsel to the Commission rather than to the schools, who should obtain their own counsel.

Chairman Hammond opened the floor for public comment.

Jan Sylvester of Meridian noted that the school is not physically located within its attendance area and stated her opinion that some sections of the charter not recently amended, and therefore not open for discussion, were not in compliance with state

statutes.

Commissioner Donnelly requested further information regarding whether Liberty Charter School is located within its attendance area and whether the law requires it to be.

Ms. O'Donahue confirmed that the school is located within the Nampa School District but across the street from the border of its attendance area, defined as the City of Nampa. She expressed willingness to change the attendance area back to its original designation as the Nampa School District if necessary for compliance.

M/S (Goesling/Powell): To table the proposal to accept amendments to the charter until the next Commission meeting so the issues discussed may be refined prior to acceptance. *The motion passed unanimously.*

5. Charter School Commission – Proposed Rules

Karen Echeverria, Commission Staff, explained that changes to the text under review reflected the Commission's proposed amendments to the original rule text; any text approved at the meeting would be presented to the legislature in January.

Commissioner Souza asked whether staff could confirm that petitions be complete before presentation to the Commission. Ms. Echeverria confirmed that this is the intention of the rules.

In response to Commissioner Souza's request for clarification, the Commission agreed to change the wording of 300.07 to: "If applicable, the school district may provide comments" regarding the charter school's location.

Ms. Echeverria explained that 300.08 regarding mandatory workshop attendance was removed due to the Legislative Services Office's determination that the Commission did not have the authority to require workshop attendance. The Commission agreed to remove the phrase.

M/S (Powell/Souza): To approve the pending rules with the agreed-upon amendments to 300.07 and varied grammatical/typographical errors. *The motion passed unanimously.*

6. Charter School Commission – Possible Proposed Legislation

Karen Echeverria, Commission Staff, stated that the Nampa and Kuna School Districts are requiring Liberty, Victory, and Falcon Ridge Charter Schools to sign contracts for dual-enrollment for their students. The contracts require payment of substantial fees before students will be allowed to participate in extracurricular activities. She recommended the Commission work with school districts to keep dual-enrollment between parent and school district, and that fees be fair and reasonable. She also

recommended an amendment to ensure that students applying for skill-based extracurricular activities be selected strictly on the basis of skill regardless of their chosen school.

Kent Nelson, Counsel to the Commission, stated his belief that the right to dual-enroll belongs to parents, and school districts do not have legal authority to require dual-enrollment contracts with charter schools. He recommended that charter schools seek counsel regarding the repercussions of dual-enrollment contracts.

Commissioner Van Wart expressed concern about fees associated with dual-enrollment and whether charter schools could have access to property tax funding to help pay such fees.

Ms. Echeverria confirmed that it is common practice for districts to receive ADA funding proportionate to services provided to dual-enrolled students, assuming at least half-day (2 hour) enrollment per district.

Commissioner Hammond opened the floor for public comment.

Jan Sylvester of Meridian stated her opinion that dual-enrollment and participation should be handled separately in legislation.

Bridget Barris, President of the Coalition of Idaho Charter School Families, stated that the coalition would like to see dual-enrollment legislation that 1) establishes consistent development of policies among districts and 2) establishes equitable application of all policies for all students. She asked that fees be reasonable, include explanation of the fee's development, and be equally applicable to all students regardless of their chosen schools.

Leslie Mauldin, Vice-Chairman of the Board for Victory Charter School, suggested that charter schools be provided with material invoicing information as an accounting for fees associated with dual-enrollment and extracurricular activities.

Kirk Jenkins of Nampa asked the Commission to consider the potentially prohibitive cost of dual-enrollment fees to families of charter school students.

Bart McKnight, Chairman of the Board for Liberty Charter School, stated that his school felt forced to sign the contract with the Nampa School District despite the charter school's feeling that extracurricular costs should belong to the parent.

Laurie Boechel of Nampa encouraged the Commission to consider that traditional public school students ought to enjoy extracurricular preference as part of their choice to attend public school, while charter school students have chosen other benefits when selecting a school.

Commissioner Powell suggested that the Commissioners be aware of the full spectrum of school funding sources (in addition to ADA/state apportionment) as they advise the legislature.

Commissioner Donnelly stated that districts of different economic standing have different fees associated with extracurricular activities, even for regularly enrolled students. She said this is a reason to prefer “fair and reasonable” working as opposed to particular dollar amounts.

M/S (Goesling/Miller): To go forward with the proposed recommendation for legislation regarding dual-enrollment and participation. The recommendation will include verbiage allowing extracurricular participation in districts close to either the student’s home or his/her charter school, and will exclude the sentence indicating that charter schools are responsible for dual-enrollment and participation fees. *The motion passed unanimously.*

7. Facilities Incentive Grant

Keri Pickett explained that the purpose of the federal grant is to provide incentive for states to increase per-pupil funding directed for school facilities. The grant would provide funding matches in decreasing amounts for five years. Ms. Pickett raised questions regarding how the grant would affect virtual schools that don’t have facilities and those charters schools in Meridian that pay only one dollar annually for facilities. She also noted that some legislative changes would be necessary before charters schools could be eligible for the grant.

The Commission agreed to further consider the possibility of whether the Facilities Incentive Grant is applicable to charter schools in Idaho.

8. Rolling Hills Public Charter School – Temporary Physical Location

Doug Barry, member of the Board of Directors for Rolling Hills, addressed the commission regarding the school’s corrective action plan to leave the Meridian Joint School District. He said the primary plan is to move to the school’s permanent site by the beginning of the 2006-2007 school year; the plan also includes two backup options of locations for which they have already received permits.

Commissioner Miller confirmed with Mr. Barry that financing was the primary issue in determining location and asked when the financing details would be more concrete. Mr. Barry explained that by early spring, Rolling Hills will have completed fundraising and financing in preparation to begin construction.

Commissioners Powell and Van Wart expressed disappointment in the tone of the letter and both Commissioners felt it was Rolling Hills’ responsibility that the statute was not obeyed. Both Commissioners indicated a desire for a more positive working

relationship between the Commission and Rolling Hills.

M/S (Miller/Donnelly): To accept Rolling Hills' corrective action plan as presented in the letter dated August 30, 2005. *The motion passed unanimously.*

8. Make-Up of Charter School Boards

Chairman Hammond stated the importance of the Commission's guidance for charter schools as they develop boards in order to ensure the inclusion of experts to assist with realistic planning.

Commissioner Van Wart described a manual provided by the Idaho Charter School Network that includes quality information on charter school board make-up. It was noted that the manual does not include information regarding the method by which board members should be selected.

Commissioner Donnelly requested clarification on the activity of the oversight committee. Committee members confirmed that they and other Commission members have contributed significant effort to fact-finding regarding charter school board make-up despite lack of formal instructions to the committee.

Chairman Hammond called for other items of business to be brought before the Commission. He confirmed that a letter to the Governor had been drafted requesting additional funding to expand Charter Commission staff.

Chairman Hammond adjourned the meeting at 12:30 p.m.

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